

# Office of State Appellate Public Defender

Analyst: Burns

## Historical Summary

<b>OPERATING BUDGET</b>	<b>FY 2008 Total App</b>	<b>FY 2008 Actual</b>	<b>FY 2009 Approp</b>	<b>FY 2010 Request</b>	<b>FY 2010 Gov Rec</b>
<b>BY FUND CATEGORY</b>					
General	2,084,200	2,072,700	2,318,500	3,747,300	2,558,300
Percent Change:		(0.6%)	11.9%	61.6%	10.3%
<b>BY OBJECT OF EXPENDITURE</b>					
Personnel Costs	1,533,700	1,529,100	1,614,100	2,360,200	1,784,600
Operating Expenditures	550,500	543,600	704,400	1,368,100	761,300
Capital Outlay	0	0	0	19,000	12,400
<b>Total:</b>	<b>2,084,200</b>	<b>2,072,700</b>	<b>2,318,500</b>	<b>3,747,300</b>	<b>2,558,300</b>
Full-Time Positions (FTP)	21.00	21.00	21.00	28.00	24.00

## Division Description

The mission of the SAPD is embodied by the legislative intent articulated in Section 19-868, Idaho Code, which states:

The legislature recognizes that, the cost of legal representation of indigent defendants upon the appeal of their criminal convictions, particularly convictions for first degree murder, is an extraordinary burden on the counties of this state. In order to reduce this burden, provide competent counsel but avoid paying high hourly rates to independent counsel to represent indigent defendants in appellate proceedings, the legislature hereby creates the office of the state appellate public defender.

The State Appellate Public Defender provides services in the following areas:

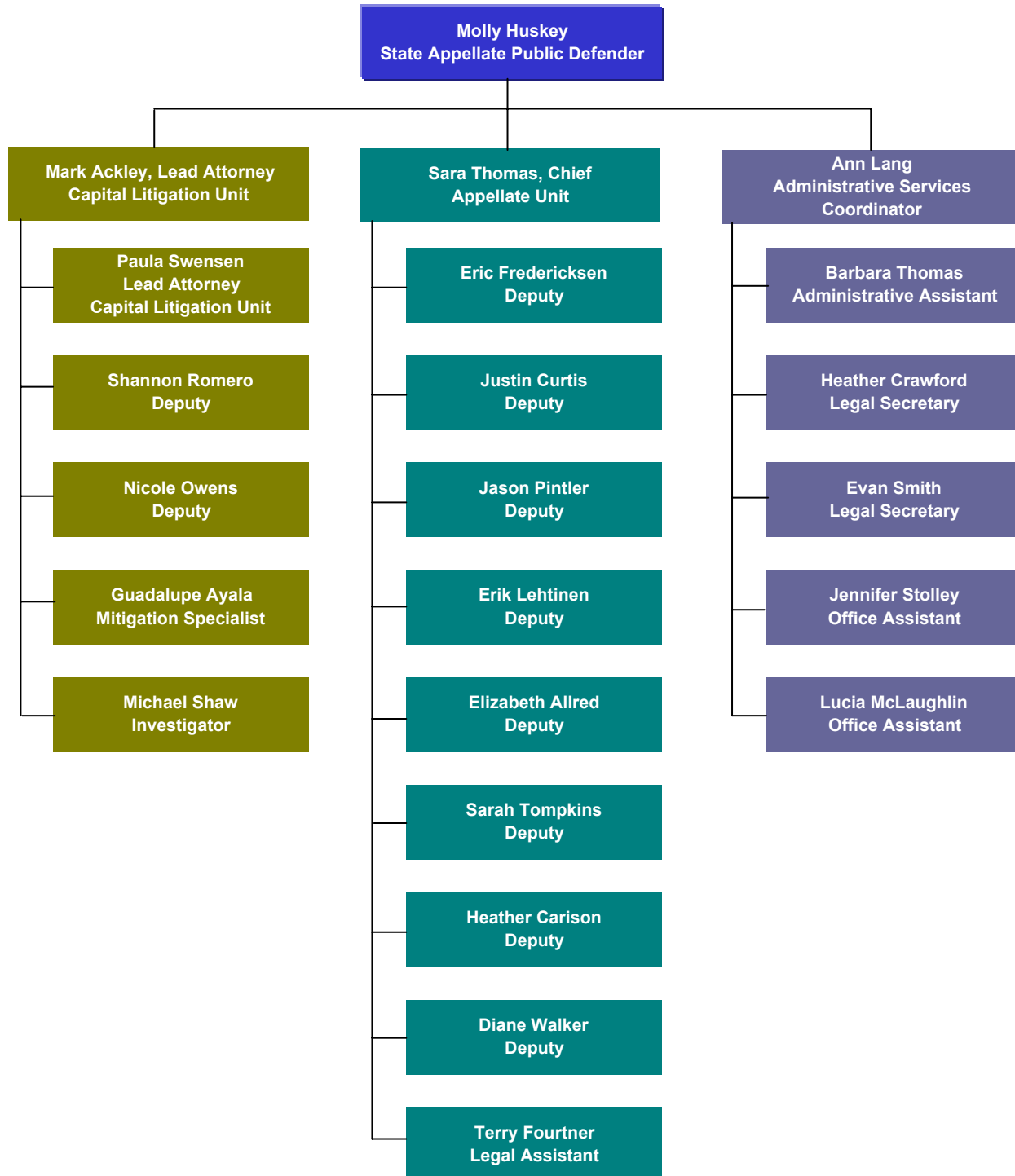
- 1) Appeals from convictions in district court.
- 2) Appeals from the district court in post-conviction relief proceedings brought pursuant to the uniform post-conviction procedure act.
- 3) Appeals from the district court in habeas corpus proceedings.
- 4) Post-conviction relief proceedings in capital cases.

# State Appellate Public Defender

## Agency Profile

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### Organizational Chart



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## Comparative Summary

Decision Unit	Agency Request			Governor's Rec		
	FTP	General	Total	FTP	General	Total
<b>FY 2009 Original Appropriation</b>	<b>21.00</b>	<b>2,318,500</b>	<b>2,318,500</b>	<b>21.00</b>	<b>2,318,500</b>	<b>2,318,500</b>
1. Contract Attorneys	0.00	465,000	465,000	0.00	192,000	192,000
Omnibus Rescission	0.00	0	0	0.00	(86,700)	(86,700)
Health Insurance Reduction	0.00	0	0	0.00	(10,500)	(10,500)
<b>FY 2009 Total Appropriation</b>	<b>21.00</b>	<b>2,783,500</b>	<b>2,783,500</b>	<b>21.00</b>	<b>2,413,300</b>	<b>2,413,300</b>
Removal of One-Time Expenditures	0.00	(150,000)	(150,000)	0.00	(150,000)	(150,000)
Additional Base Adjustment	0.00	0	0	0.00	(22,600)	(22,600)
<b>FY 2010 Base</b>	<b>21.00</b>	<b>2,633,500</b>	<b>2,633,500</b>	<b>21.00</b>	<b>2,240,700</b>	<b>2,240,700</b>
Benefit Costs	0.00	17,200	17,200	0.00	6,700	6,700
Statewide Cost Allocation	0.00	400	400	0.00	400	400
Change in Employee Compensation	0.00	42,100	42,100	0.00	0	0
<b>FY 2010 Program Maintenance</b>	<b>21.00</b>	<b>2,693,200</b>	<b>2,693,200</b>	<b>21.00</b>	<b>2,247,800</b>	<b>2,247,800</b>
1. Salary Parity	0.00	200,700	200,700	0.00	0	0
2. Additional Staffing	7.00	618,900	618,900	3.00	310,500	310,500
3. Contract Attorneys	0.00	204,500	204,500	0.00	0	0
4. Phone Call Charges	0.00	30,000	30,000	0.00	0	0
<b>FY 2010 Total</b>	<b>28.00</b>	<b>3,747,300</b>	<b>3,747,300</b>	<b>24.00</b>	<b>2,558,300</b>	<b>2,558,300</b>
Change from Original Appropriation	7.00	1,428,800	1,428,800	3.00	239,800	239,800
% Change from Original Appropriation		61.6%	61.6%		10.3%	10.3%

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
<b>FY 2009 Original Appropriation</b>	21.00	2,318,500	0	0	2,318,500
<b>1. Contract Attorneys</b>					
Provides ongoing funding for contract attorneys in order to reduce current caseload issues.					
Agency Request	0.00	465,000	0	0	465,000
Governor's Recommendation	0.00	192,000	0	0	192,000
<b>Omnibus Rescission</b>					
Agency Request	0.00	0	0	0	0
General Fund holdbacks, as directed by Executive Orders 2008-3, and 2008-5, are incorporated as a rescission that reduces the General Fund by 4% for FY 2009.					
Governor's Recommendation	0.00	(86,700)	0	0	(86,700)
<b>Health Insurance Reduction</b>					
Agency Request	0.00	0	0	0	0
The Governor recommends reducing the funding for health insurance by \$500 per FTP, using reserves to offset the increased costs of health insurance for the state for FY 2009 and FY 2010.					
Governor's Recommendation	0.00	(10,500)	0	0	(10,500)
<b>FY 2009 Total Appropriation</b>					
Agency Request	21.00	2,783,500	0	0	2,783,500
Governor's Recommendation	21.00	2,413,300	0	0	2,413,300
<b>Removal of One-Time Expenditures</b>					
Agency Request	0.00	(150,000)	0	0	(150,000)
Governor's Recommendation	0.00	(150,000)	0	0	(150,000)
<b>Additional Base Adjustment</b>					
Agency Request	0.00	0	0	0	0
The Governor recommends an ongoing base reduction to balance the state budget. This represents an additional 1.0% reduction for the agency bringing the FY 2010 Base 3.3% above the ongoing FY 2009 General Fund Original Appropriation.					
Governor's Recommendation	0.00	(22,600)	0	0	(22,600)
<b>FY 2010 Base</b>					
Agency Request	21.00	2,633,500	0	0	2,633,500
Governor's Recommendation	21.00	2,240,700	0	0	2,240,700
<b>Benefit Costs</b>					
Provides \$900 per position, which equates to a 10.4% increase for employer-paid health insurance. Also, includes a 19% reduction in life and disability insurance rates from 1.1% to 0.9% of salary for eligible employees.					
Agency Request	0.00	17,200	0	0	17,200
The Governor recommends providing an increase of \$400 per FTP and making changes to the health insurance benefits contract to meet expected costs. Including the rescission to reduce health insurance benefit costs in FY 2009 by \$500 per FTP, employer costs per FTP for FY 2010 will be \$8,600.					
Governor's Recommendation	0.00	6,700	0	0	6,700
<b>Statewide Cost Allocation</b>					
The request includes adjustments to recover the costs of services provided to state agencies: \$500 for State Controller fees, and \$200 for State Treasurer fees. It also includes a reduction of \$300 in property and casualty insurance premiums.					
Agency Request	0.00	400	0	0	400
Governor's Recommendation	0.00	400	0	0	400

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Budget by Decision Unit	FTP	General	Dedicated	Federal	Total
<b>Change in Employee Compensation</b>					
Agencies were instructed to calculate a 3% salary increase in the appropriation request.					
Agency Request	0.00	42,100	0	0	42,100
<i>While increasing salaries of state workers continues to be a priority for the Governor, the current economic situation does not provide the funds to recommend an increase in FY 2010. When economic conditions improve, the Governor will once again seek to improve compensation for all state employees.</i>					
Governor's Recommendation	0.00	0	0	0	0
<b>FY 2010 Program Maintenance</b>					
Agency Request	21.00	2,693,200	0	0	2,693,200
Governor's Recommendation	21.00	2,247,800	0	0	2,247,800
<b>1. Salary Parity</b>					
Funding is requested to increase staff salaries to the same levels as similarly situated staff in the Office of the Attorney General, Criminal Division. [Ongoing]					
Agency Request	0.00	200,700	0	0	200,700
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
<b>2. Additional Staffing</b>					
Funding is requested to hire five attorneys and two support staff in order to reduce current caseloads. Of the amount requested, \$594,100 is ongoing and \$24,800 is one-time.					
Agency Request	7.00	618,900	0	0	618,900
<i>The Governor recommends the salary and benefit costs of three new attorneys and the necessary computer equipment, furniture, and lease space to accommodate these new positions. Of the amount recommended, \$295,500 is ongoing and \$15,000 is one-time.</i>					
Governor's Recommendation	3.00	310,500	0	0	310,500
<b>3. Contract Attorneys</b>					
Includes \$129,500 for evidentiary hearings for existing cases, and \$75,000 for four new capital post conviction cases. [Ongoing]					
Agency Request	0.00	204,500	0	0	204,500
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
<b>4. Phone Call Charges</b>					
Provides funding to cover the annual cost of phone call charges from the Department of Correction for inmate client phone calls to the Office of the State Appellate Public Defender. [Ongoing]					
Agency Request	0.00	30,000	0	0	30,000
<i>Not recommended by the Governor.</i>					
Governor's Recommendation	0.00	0	0	0	0
<b>FY 2010 Total</b>					
Agency Request	28.00	3,747,300	0	0	3,747,300
Governor's Recommendation	24.00	2,558,300	0	0	2,558,300
Agency Request					
Change from Original App	7.00	1,428,800	0	0	1,428,800
% Change from Original App	33.3%	61.6%			61.6%
Governor's Recommendation					
Change from Original App	3.00	239,800	0	0	239,800
% Change from Original App	14.3%	10.3%			10.3%